

For safety and health questions at construction operations:

**Michigan Department of Labor & Economic Growth
Construction Safety & Health Division**

7150 Harris Drive, Box 30645
Lansing, MI 48909-8145
Telephone: 517-322-1856

For all other safety and health questions:

**Michigan Department of Labor & Economic Growth
General Industry Safety & Health Division**

7150 Harris Drive, Box 30644
Lansing, MI 48909-8144
Telephone: 517-322-1831

For free assistance in Safety & Health Training:

**Michigan Department of Labor & Economic Growth
Consultation Education & Training Division**

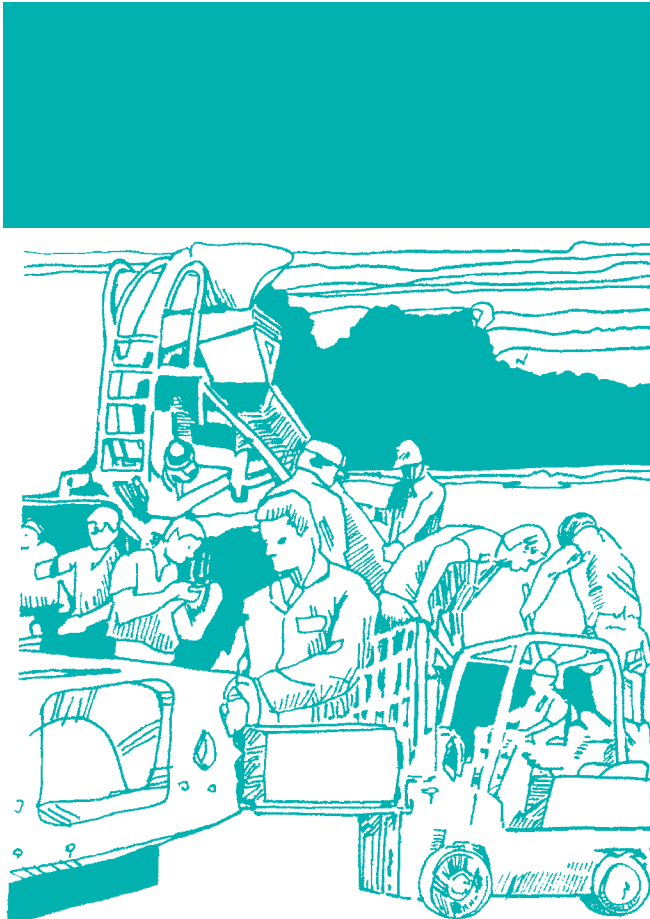
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This brief brochure is an introduction to the MIOSHA program. However, it is not a substitute for the MIOSHA Act and orders pursuant to the Act.

For further information, visit
our website at
www.michigan.gov/miosha



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ENFORCEMENT

**AN OVERVIEW BROCHURE
FOR THE EMPLOYER**

One of the most tragic events in the workplace occurs when an employee is killed or seriously injured on the job.

While this overwhelming tragedy is immeasurable in terms of human loss, it also leads to low employee morale, lost productivity, increased insurance cost, potentially expensive retraining, and the loss of business investment. These factors alone can make the difference between profit and loss to Michigan employers.

In order to protect employees from workplace accidents and injuries and to insure a safe and healthful place of employment, Michigan Occupational Safety and Health Act (MIOSH Act) was enacted in 1974.

A portion of the MIOSH Act allows for the enforcement of workplace safety and health standards through periodic MIOSHA inspections.

The following is an overview of what to expect if an employer receives a MIOSHA inspection:

WHO GETS INSPECTED

In order to effectively check for conditions that could endanger the well being of employees, a MIOSHA safety or health officer may inspect, with few exceptions, any work operation in the state of Michigan.

EXCEPTIONS

Domestic employment, ship building, ship breaking, long shoring, federal operations and mines are not subject to inspections by MIOSHA.

WHO GETS INVOLVED

Upon arriving, unannounced, the safety or health officer will seek out the chief executive of the workplace.

If employees have a designated representative, that representative also will be asked to join in the inspection. Where there is no designated employee representative, interviews will be conducted with a number of employees based on the total in the workplace.

WHAT HAPPENS DURING THE INSPECTION

The safety or health officer will begin with the opening conference by first explaining the purpose of the visit and the format of the inspection activities. Both employer and employee rights and responsibilities will be reviewed concerning the MIOSHA inspection.

Among the employee rights that will be reviewed is the protection from discrimination provided by MIOSHA. An employer is prohibited from discharging or in any manner discriminating against an employee for exercising a right provided by MIOSHA, including filing a complaint with either the Safety or Health compliance programs or testifying at a hearing.

The officer may at this time review all required MIOSHA record keeping documents such as the injury/illness log (Form 300), and required written programs or procedures that apply such as Hazard Communication/Right to Know and Lockout/Tagout.

Upon completion of the safety or health officer's explanation and review of records, an actual walk-through of the facilities or worksite will take place. Conditions that could endanger the health or safety of employees will be pointed out, exposure measurements will be taken if necessary, and described as they relate to violations of Occupational Safety or Health Standards.

THE CLOSING CONFERENCE

At the completion of the inspection, a closing conference is held to discuss any findings, determine the amount of time necessary to correct any hazards found and review your rights to appeal the department's decision.

During the closing conference, the safety or health officer will review penalty adjustment factors. An employer may be eligible for Good Faith credit by having an effective Safety and Health Program in place. MIOSHA provisions also provide for penalty adjustment based on the seriousness of the violation, size of business, and past MIOSHA history.

After the conference, the safety or health officer's report is sent to the MIOSHA office in Lansing for review. This ensures uniformity in the application of MIOSHA standards.

CITATION NOTICE

Following office review and preparation, the citation is sent certified mail to the employer. A copy of the citation(s) must be posted upon receipt at or near the site of the violation.

DIFFERENT DEGREES OF VIOLATIONS

If during the inspection there are violations found, the safety or health officer will develop a written report to be submitted to the Lansing office. At the office, information from the safety officer's report is compiled into citations. MIOSHA citations are classified according to seriousness of an injury that might occur if an accident were to happen due to the violation of a MIOSHA standard. These classifications are:

Other-than-Serious – A hazardous/condition exists and could cause an injury, but probably would not result in death or serious physical harm.

Serious – A hazardous condition exists that has a substantial probability of causing serious physical harm or death to workers; or if an accident were to occur and the employer knew or should have known (with the exercise of reasonable diligence) of the violated conditions.

Willful – A hazard exists and the evidence shows that requirements of the MIOASH Act or a rule or standard promulgated pursuant to the Act have been intentionally disregarded; or the omission or failure to act is done knowingly and purposely,

MIOSHA citations can carry monetary penalties and will contain time requirements for correcting the violations(s).

ABATEMENT OF CITATION FINDINGS

If a citation is issued as a result of an inspection an employer can:

- 1. Accept the findings**, correct the violation within the required time frame, submit the assurance of abatement as required and pay any monetary penalty; or
- 2. Disagree with any part of the findings**, including the violation itself, the amount of time required to correct the violation, or the proposed monetary penalties. To do so, a written request must be filed with the MIOSHA office that issued the citation for modification or dismissal of a citation or any portion of the citation. This must be done within 15 working days from receipt of the citations by the employer.

REQUEST AN INFORMAL SETTLEMENT AGREEMENT (ISA)

The ISA is a program to encourage the prompt settlement of files, to expedite the abatement of hazards and to provide a forum for employers and MIOSHA to resolve conflicts.

The penalty adjustment available through the ISA process varies from case to case, up to a maximum of 50% and is contingent upon the employer's agreement to certain stipulations. The ISA should be requested by the employer within five days after receiving a citation to allow sufficient time to complete the ISA process.

THE APPEAL PROCESS

The MIOSHA program provides a unique feature of offering employers an appeals process that is not found in the Occupational Safety and Health Program (OSHA) of the Federal government. This two step process allows employers to appeal all or part of any citations issued.

First Appeal – All or part of the citation may be appealed within 15 working days of the receipt of the citation to the MIOSHA Division that issued the citation. A division review follows and a decision issued.

Second Appeal – A second appeal may be filed within 15 working days upon receipt by the employer of the results of the first appeals process. The Board of Health, Safety, Compliance, and Appeals sends a notice of prehearing, indicating date, time and location of an informal hearing.

If the issues are not resolved, a decision is then issued following the formal hearing by an administrative law judge (ALJ). Decisions by the ALJ may be appealed to the full seven member Board and ultimately to a Michigan Circuit Court.

ABATEMENT EXTENSION

If a citation is accepted, but the violation cannot be corrected within the allotted time period, an employer may petition for modification of the abatement date (extension of time). An extension may be considered by the MIOSHA office only if the employer has shown good faith in trying to meet the original deadline, and requests the extension prior to or at least within one day of the expiration of the original abatement period.